

Serial No. 09/964,291

Docket No.: KCC-15,832

REMARKS

Applicant's undersigned attorney thanks the Examiner for her comments. Applicant respectfully requests reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-39 are pending.

Amendments to the Claims

Claims 1-39 have been examined with Claims 16-23 indicated as being allowed. Applicant has amended Claims 1 and 24. No new matter has been added by this Amendment.

Claims 1 and 24 have each been amended to include the limitation of the fibrous, retractable web having a homogeneous composition such that each layer of the web contains the same polymer, or combination of polymers, or components. Support for this amendment is provided on page 8, lines 13-15, of the specification. As noted on page 8, lines 9-15, of the specification, if more than one layer is included in the fibrous, retractable web, the layers may be made up of the same composition but may still differ in terms of denier or basis weight, for example.

Claim 1 has been further amended to include the transitional phrase "consisting essentially of," in lieu of "comprising."

No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-6, 10-15, 24, 25, and 36-39 under 35 U.S.C. §102(b) as being anticipated by Makiyara (Japanese Patent Publication No. 11-061624) is respectfully traversed.

Makiyara discloses a two-layer loop material. The material is obtained by laminating two layers together through hydroentanglement into a unitary layer having a fiber layer of one composition on a first surface and a fiber layer of a different composition on the opposite surface. The two-layer hydroentangled

Serial No. 09/964,291

Docket No.: KCC-15,832

laminate is then thermally treated to shrink one of the layers, thereby forming projections in the other layer.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Makihara does not disclose each and every element or limitation of Claims 1 or 24.

Applicant's invention as recited in independent Claim 1 requires a loop component consisting essentially of a thermally retracted material having a homogeneous composition with a plurality of looped fibers on one side and a thermally retracted fibrous surface on the other side. While the invention recited in Applicant's Claim 1 may include more than one layer, each of the layers has the same chemical composition. In contrast, Makihara discloses a two-layer thermally retracted material having looped fibers on one side of a first layer and an opposite side of the same layer hydroentangled with a surface of a second layer. The second layer has a surface, opposite the hydroentangled surface, that is thermally retracted. The first and second layers of Makihara are of different compositions having different temperature profiles and melt characteristics. Thus, Makihara fails to disclose loop component consisting essentially of a thermally retracted material of a homogeneous composition having looped fibers on one side and a thermally retracted fibrous surface on the other side.

Applicant's invention as recited in independent Claim 24 requires the steps of applying heat to a second side of a single layer or a thermally-bonded multilayer material having a homogeneous composition and allowing the first side of the material to gather into loops. As mentioned above, the two layers in the Makihara material are of different compositions. Furthermore, the two layers in Makihara are laminated through hydroentanglement. Thus, Makihara fails to disclose either a single-layer material made in accordance with Applicant's Claim 24, or multiple layers thermally bonded to one another. Makihara further fails to disclose a method of making a loop component comprising the steps of applying heat to a second side of a single-layer or thermally-bonded multilayer, fibrous, retractable web having a homogeneous composition, and allowing a first side of the web to gather into loops.

Serial No. 09/964,291

Docket No.: KCC-15,832

For at least the reasons presented above, Applicant respectfully submits that Claims 1 and 24 are not anticipated by Makihara. Because Claims 2-6 and 10-15 depend from Claim 1, and Claims 25 and 36-39 depend from Claim 24, these claims are also not anticipated by Makihara. Thus, Applicant respectfully requests withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §102/103

The rejection of Claims 9 and 35 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over the cited Makihara reference is respectfully traversed.

As explained above, Makihara fails to disclose or suggest a thermally retracted material having a homogeneous composition with looped fibers on one side and a thermally retracted fibrous surface on the other side, and further fails to disclose or suggest applying heat to one side of a single layer or thermally-bonded multilayer material having a homogeneous composition and allowing the opposite side of the same material to gather into loops. Because the loop material of Makihara requires two layers of different compositions laminated through hydroentanglement, and because Makihara suggests minimizing retraction in a cross direction, a person skilled in the art would not consider using a single-layer or a thermally-bonded multilayer, thermally retracted loop material of a homogeneous composition, much less, a single-layer or thermally-bonded multilayer, thermally retracted loop material of a homogeneous composition that is retracted in a cross direction, based on Makihara.

For at least the reasons given above, Applicant respectfully submits that the teachings of Makihara fail to disclose or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Serial No. 09/964,291

Docket No.: KCC-15,832

Claim Rejections - 35 U.S.C. §103**A. Makihara in view of McCormack et al.**

The rejection of Claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Makihara in view of McCormack et al. (U.S. Patent No. 5,997,981) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Makihara fails to disclose or suggest a single-layer, thermally retracted material having a homogeneous composition with looped fibers on one side and a thermally retracted fibrous surface on the other side. Both Makihara and McCormack et al. disclose dual layer materials. More particularly, the two layers in McCormack et al. include a film layer and a nonwoven layer. Thus, a person skilled in the art would not be motivated by either Makihara or McCormack et al., or the combination thereof, to employ an S-weave bond pattern in a material having a homogeneous composition with looped fibers on one side and a thermally retracted fibrous surface on the other side.

For at least the reasons given above, Applicant respectfully submits that the teachings of Makihara in view of McCormack et al. fail to disclose or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

B. Makihara in view of Marmon et al.

The rejection of Claims 26-32 under 35 U.S.C. §103(a) as being unpatentable over Makihara in view of Marmon et al. (U.S. Patent No. 6,066,221) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Makihara fails to disclose or suggest applying heat to one side of a single layer or thermally-bonded multilayer material having a homogeneous composition and allowing the opposite side of the same material to gather into loops. Makihara further fails to disclose or suggest the use of a hot air knife for heating a single-layer material or thermally-bonded multilayer material having a homogeneous composition.

Serial No. 09/964,291

Docket No.: KCC-15,832

Marmon et al. disclose a hot air knife assembly for producing thermally bonded nonwoven webs and laminates, as well as a method of producing spunbonded fabrics that are not significantly compacted or prebonded. Marmon et al. fail to disclose or suggest the use of a hot air knife for thermally retracting materials by applying heat to one side of a single-layer or thermally-bonded multilayer material having a homogeneous composition and allowing the opposite side of the same material to gather into loops. There is no suggestion to combine the teachings of Marmon et al. with the invention of Makihara, and even if the two references were combined, it would not be obvious to a person skilled in the art to use a hot air knife to thermally retract a single-layer or thermally-bonded multilayer material having a homogeneous composition. Thus, the teachings of Marmon et al. fail to overcome the deficiencies of Makihara.

For at least the reasons given above, Applicant respectfully submits that the teachings of Makihara in view of Marmon et al. fail to disclose or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

C. Makihara and Marmon et al. in further view of Arnold et al.

The rejection of Claims 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Makihara and Marmon et al. in further view of Arnold et al. (U.S. Patent No. 5,707,468) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Makihara in combination with Marmon et al. fails to disclose or suggest applying heat (particularly from a hot air knife) to one side of a single-layer or a thermally-bonded multilayer material having a homogeneous composition and allowing the opposite side of the same material to gather into loops.

Arnold et al. disclose the use of a hot air knife to provide integrity to a nonwoven web. However, Arnold et al. fail to disclose or suggest the use of a hot air knife to thermally retract a single-layer or a thermally-bonded multilayer nonwoven material having a homogeneous composition. Furthermore, Arnold et al. fail to disclose or suggest thermal retraction of any type of material. Instead, the hot air

Serial No. 09/964,291

Docket No.: KCC-15,832

knife in Arnold et al. is heated to a temperature insufficient to melt the polymer in the fiber but sufficient to soften it slightly (Col. 5, lines 25-27).

There is no suggestion to combine the teachings of either Marmon et al. or Arnold et al. with the invention of Makihara. Neither Marmon et al. nor Arnold et al. disclose or suggest the use of a hot air knife for thermally retracting a material. Therefore, even if the teachings of Marmon et al. and Arnold et al. were combined with the invention of Makihara, it would not be obvious to a person skilled in the art to use a hot air knife to thermally retract a single layer or thermally-bonded multilayer material of a homogeneous composition, either with or without the use of a forming wire and a vacuum.

For at least the reasons given above, Applicant respectfully submits that the teachings of Makihara and Marmon et al. in further view of Arnold et al. fail to disclose or suggest Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that Claims 16-23 are allowed.

Conclusion

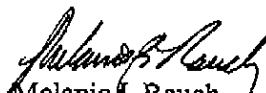
Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Serial No. 09/964,291

Docket No.: KCC-15,832

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



Melanie I. Rauch

Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403

KCC-1113

14

MR/S